

**LAWS AND REGULATIONS RELATING TO
LICENSURE AS A PROSTHETIST, ORTHOTIST OR PEDORTHIST**



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DISCLAIMER

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <http://lrc.ky.gov>.

TABLE OF CONTENTS

KENTUCKY REVISED STATUTES

	Table of Contents.....	1
KRS 319B.010	Definitions of Chapter.....	2
KRS 319B.020	Kentucky Board of Prosthetics, Orthotics and Pedorthics – Membership – Appointment –Terms—Meetings and quorum—Limitation of liability – Expenses.....	4
KRS 319B.030	Powers and duties of the board – Administrative regulations – Licensure and exemptions from licensure—Examinations—Fees—Continuing education – Enforcement – Evaluation of applicants.....	5
KRS 319B.040	Powers permitted to board – Administrative regulations and services— Disciplinary powers and procedures – Retired or inactive licensure status – Evaluation of applicants.....	7
KRS 319B.050	Contents of license – Display – Application for replacement – Name Change..	7
KRS 319B.060	Licensure for practice of professions governed by KRS Chapter 319B – “Grandfather” provision for licensure.....	8
KRS 319B.070	Licensee to provide care or services only upon order from licensed health care practitioner, physician, or advanced practice registered nurse.....	10
KRS 319B.080	Licensee’s scope of practice – Written prescription required.....	10
KRS 319B.090	Licensed health care practitioners and other professions not to be limited or restricted by KRS Chapter 319B.....	10
KRS 319B.100	Persons to whom KRS Chapter 319B does not apply.....	11
KRS 319B.110	License required.....	12
KRS 319B.120	Renewal, expiration, suspension, and revocation of licenses – Fees and penalties – Trust and agency fund.....	12
KRS 319B.130	Reciprocal licensure.....	12
KRS 319B.140	Penalty for unprofessional conduct.....	13
KRS 319B.150	Penalties for practice in violation of KRS Chapter 319B.....	13

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 44:010	Fees.....	14
201 KAR 44:020	Requirements for licensure as an Orthotist, Prosthetist, Orthotist/Prosthetist, Pedorthist, or Orthotic Fitter prior to January 1, 2013.....	15
201 KAR 44:030	Alternative Mechanism Requirements for licensure as an Orthotist, Prosthetist, Orthotist/Prosthetist, Pedorthist, or Orthotic Fitter prior to January 1, 2013 for applicants in practice who are not currently certified.....	16
201 KAR 44:040	Professional Conduct and Code of Ethics.....	18
201 KAR 44:050	Per diem of board members.....	21
201 KAR 44:060	Continuing education requirements and procedures.....	21
201 KAR 44:070	Complaint process and disciplinary action procedure.....	24
201 KAR 44:080	Renewals.....	27
201 KAR 44:090	Requirements for licensure as an orthotist, prosthetist, orthotist-prosthetist, pedorthist, or orthotic fitter on or after January 1, 2013.....	28
201 KAR 44:100	Inactive Status.....	29
201 KAR 44:110	Licensure by endorsement.....	30
201 KAR 44:120	Post residency registration.....	31

KENTUCKY REVISED STATUTES

319B.010 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Prosthetics, Orthotics, and Pedorthics;
- (2) "CAAHEP" means the Commission on Accreditation of Allied Health Education Programs;
- (3) "Custom fabricated and fitted device" means an orthosis, prosthesis, or pedorthic device that is fabricated to original measurements, or to a mold for use by a patient in accordance with a prescription from a health care practitioner or provider authorized by law to write such prescriptions, and that requires substantial clinical and technical judgment in its design and fitting;
- (4) "Custom fitted device" means a prefabricated orthosis, prosthesis, or pedorthic device sized or modified for use by the patient in accordance with a prescription from a health care practitioner or provider authorized by law to write such prescriptions that requires substantial clinical judgment and substantive alteration for appropriate use;
- (5) "Facility" means the business location where orthotic, prosthetic, or pedorthic care is provided. The orthotic/prosthetic/pedorthic facility has the appropriate clinical and laboratory space and equipment to provide comprehensive orthotic, prosthetic, and pedorthic care. Licensed orthotists, prosthetists, and pedorthists shall be available to either provide care or to supervise the provision of care by nonlicensed staff;
- (6) "Licensed orthotic fitter" means a person who receives a license under this chapter to fit the following noncustom orthotic devices:
 - (a) Cervical orthoses, except those requiring more than minor modification or those used to treat an unstable cervical condition;
 - (b) Pressure gradient hose;
 - (c) Trusses;
 - (d) Prefabricated spinal orthoses, except those used in the treatment of scoliosis or unstable spinal conditions, rigid body jackets made of thermoformable materials, and "halo" devices; and
 - (e) Prefabricated orthoses of upper and lower extremities, except those used in the treatment of bone fractures and dislocations, therapeutic (diabetic) shoes or inserts, and functional electrical stimulation orthoses, such as myo-orthosis or neuroprosthesis;
- (7) "Licensed orthotist" means a person who is licensed under this chapter to practice orthotics and who represents the person to the public by title or description of services that includes the term "orthotic," "orthotist," "brace," or a similar title or description of services;
- (8) "Licensed pedorthist" means a person who is licensed under this chapter to practice pedorthics and who represents the person to the public by the title or description of services that includes the term "pedorthic," "pedorthist," or a similar title or description of services;
- (9) "Licensed prosthetist" means a person who is licensed under this chapter to practice prosthetics and who represents the person to the public by title or description of services that includes the term "prosthetic," "prosthetist," "artificial limb," or a similar title or description of services;
- (10) "NCOPE" means the National Commission on Orthotic and Prosthetic Education;
- (11) "Orthosis" means a custom-designed, fabricated, fitted, or modified device to correct, support, or compensate for a neuro-musculoskeletal disorder or acquired condition. "Orthosis" does not include fabric or elastic supports, corsets, arch supports, low-temperature plastic splints, trusses, elastic hoses, canes, crutches, soft cervical collars, dental appliances, or other similar devices that

- are carried in stock and sold without modification as "over-the-counter" items by a pharmacy, department store, corset shop, or surgical supply facility;
- (12) "Orthotic and prosthetic education program" means a course of instruction accredited by CAAHEP, consisting of:
- (a) An adequate curriculum of college level training and instruction in math, physics, biology, chemistry, and psychology; and
 - (b) A specific curriculum in orthotic or prosthetic courses, including:
 - 1. Lectures covering pertinent anatomy, biomechanics, pathomechanics, prosthetic-orthotic components and materials, training and functional capabilities, prosthetic or orthotic performance evaluation, prescription considerations, etiology of amputations and disease processes necessitating prosthetic or orthotic use, and medical management;
 - 2. Subject matter related to pediatric and geriatric problems;
 - 3. Instruction in acute care techniques, such as immediate and early postsurgical prosthetics and fracture-bracing techniques; and
 - 4. Lectures, demonstrations, and laboratory experiences related to the entire process of measuring, casting, fitting, fabricating, aligning, and completing prostheses or orthoses;
- (13) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis, under an order from a licensed health care practitioner or provider authorized by law to issue such an order, for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity;
- (14) "Orthotist" means a person who is specifically trained and educated to provide or manage the provision of a custom-designed, fabricated, modified, and fitted external orthosis to an orthotic patient, based on a clinical assessment and a prescription from a health care practitioner or provider authorized by law to write such prescriptions, to restore physiological function or cosmesis;
- (15) "Over-the-counter device" means a prefabricated, mass-produced device that is prepackaged and requires no professional advice or judgment in either size selection or use, including fabric or elastic supports, corsets, generic arch supports, and elastic hoses;
- (16) "Pedorthic device" means therapeutic footwear, foot orthoses, or orthotics for use at the ankle or below, below the ankle partial foot prostheses, and modified footwear made for therapeutic purposes, as prescribed by a licensed health care practitioner or provider authorized by law to issue such a prescription. "Pedorthic device" does not include nontherapeutic accommodative inlays or nontherapeutic accommodative footwear, regardless of method of manufacture; shoe modifications made for nontherapeutic purposes; unmodified over-the-counter shoes; or prefabricated foot care products;
- (17) "Pedorthic education program" means a course of instruction accredited by NCOPE, consisting of:
- (a) A basic curriculum of instruction in foot-related pathology of diseases, anatomy, and biomechanics;
 - (b) A specific curriculum in pedorthic courses, including lectures covering shoes, foot orthoses, and shoe modifications, pedorthic components and materials, training and functional capabilities, pedorthic performance evaluation, prescription considerations, etiology of disease processes necessitating use of pedorthic devices, medical management, and subject matter related to pediatric and geriatric problems; and
 - (c) Lectures, demonstrations, and laboratory experiences related to the entire process of measuring and casting, fitting, fabricating, aligning, and completing pedorthic devices;
- (18) "Pedorthics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a pedorthic device, under an order from a licensed health care practitioner or provider authorized by law to issue such an order for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity;

- (19) "Pedorthist" means a person who measures, designs, fabricates, fits, or services pedorthic devices and assists in the formulation of the order of pedorthic devices, as ordered by a licensed health care practitioner or provider authorized by law to issue such an order for the support or correction of disabilities caused by neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity;
- (20) "Person" means a natural person;
- (21) "Prosthesis" means a custom designed, fabricated, fitted, or modified device to replace an absent external limb, for the purpose of restoring physiological function or cosmesis. "Prosthesis" does not include artificial eyes or ears, dental appliances, artificial breasts, cosmetic devices such as artificial eyelashes or wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body;
- (22) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis, under an order from a licensed health care practitioner or provider authorized by law to issue such an order;
- (23) "Prosthetist" means a person who is specifically trained and educated to provide or manage the provision of a custom designed, fabricated, modified, and fitted external limb prosthesis to a prosthetic patient, based on a clinical assessment and a prescription from a health care practitioner or provider authorized to write such prescriptions, to restore physiological function or cosmesis;
- (24) "Prosthetist/Orthotist" means a person who practices both disciplines of prosthetics and orthotics and who represents the person to the public by title or by description of services;
- (25) "Resident" means a person who has completed a CAAHEP accredited education program in orthotics, prosthetics, or both and is obtaining his or her clinical training in a residency accredited by NCOPE;
- (26) "Residency" means a minimum of a one-year NCOPE accredited program to acquire practical clinical training in orthotics, prosthetics, or both, in a patient care setting; and
- (27) "Supervision" means the act of critical observing and directing the work or tasks of another who may lack full knowledge of the concept at hand.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 2, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010) 2010 Ky. Acts ch. 109, sec. 18, provides: "Section 2 to 18 of this Act shall be known and may be cited as the 'Henry Brown Prosthetics, Orthotics, and Pedorthics Act'."

319B.020 Kentucky Board of Prosthetics, Orthotics, and Pedorthics -- Membership -- Appointment -- Terms -- Meetings and quorum -- Limitation of liability -- Expenses.

The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The board shall consist of five (5) members who shall be appointed by the Governor.

- (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic, or pedorthic professional services and is not affiliated with and does not have more than five percent (5%) financial interest in any one (1) health care profession or business.
- (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or licensed pedorthists. These members may be licensed in more than one (1) discipline and at least one (1) board member shall be a licensed pedorthist. Membership of the board shall reasonably reflect representation from the geographic areas in the Commonwealth.
- (3) Each member of the board shall serve a term of three (3) years, except that of the initial appointments to the board, two (2) members shall be appointed for two (2) years, two (2) members shall be appointed for three (3) years, and one (1) member shall be appointed for one (1) year.

year. No member of the board shall serve more than the greater of eight (8) consecutive years or two (2) full terms. The Governor may remove any member of the board for misconduct, incompetence, or neglect of duty.

- (4) The board shall meet at least annually and may meet at other times if necessary to complete required business. A quorum of the board shall consist of a majority of board members currently appointed. The board shall annually elect a chairperson and vice chairperson who shall be licensed under this chapter.
- (5) There shall be no liability on the part of, and no action for damages against, any current or former board member, representative, agent, or employee of the board, when the person is acting with ordinary care, is functioning within the scope of board duties, is acting without malice, and has the reasonable belief that the actions taken by him or her are warranted by law.
- (6) Members of the board shall receive a per diem reimbursement of reasonable expenses incurred as determined by the board in consultation with the Office of Occupations and Professions for each day actually engaged in the duties of the office.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 3, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010). A reference to the "Division of Occupations and Professions" in subsection (6) of this section, as created by 2010 Ky. Acts ch. 109, sec. 3, has been changed in codification to the "Office of Occupations and Professions" to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

319B.030 Powers and duties of board -- Administrative regulations -- Licensure and exemptions from licensure -- Examinations -- Fees -- Continuing education -- Enforcement -- Evaluation of applicants.

The board shall:

- (1) Promulgate administrative regulations to:
 - (a) Establish licensure categories and issue licenses for orthotists, prosthetists, pedorthists, and orthotic fitters;
 - (b) Establish the qualifications, educational courses, curriculum, hours, and standards that are prerequisite to issuance of all levels and types of licensure established pursuant to paragraph (a) of this subsection. Any qualifications established by the board shall include the following:
 - 1. To qualify for a license to practice orthotics or prosthetics, a person shall:
 - a. Possess a minimum of a baccalaureate degree from an accredited college or university;
 - b. Complete a CAAHEP accredited education program in orthotics, prosthetics, or both;
 - c. Complete a residency as defined in this chapter in the discipline for which a license is sought;
 - d. Pass all written and practical examinations in any combination that is required and approved by the board; and
 - e. Be qualified to practice in accordance with internationally accepted standards of orthotic and prosthetic care;

2. To qualify for a license to practice pedorthics, a person shall:
 - a. Possess a minimum of a high school diploma or comparable credential approved by the board;
 - b. Complete an NCOPE-approved pedorthic education program;
 - c. Pass all written and practical examinations that are required and approved by the board;
 - d. Have a minimum of one thousand (1,000) hours of pedorthic patient care experience as approved by the board;
 - e. Be qualified to practice in accordance with nationally accepted standards of pedorthic care;
3. To qualify for a license to practice as an orthotic fitter, a person shall:
 - a. Possess a minimum of a high school diploma or comparable credential approved by the board;
 - b. Complete an NCOPE-approved orthotic fitter course;
 - c. Pass all examinations that are required and approved by the board;
 - d. Complete a minimum of one thousand (1,000) hours of experience in orthotic fitting as approved by the board;
 - e. Be qualified to practice in accordance with nationally accepted standards of care acceptable to the board;
4. Provisions that a person may be licensed in more than one (1) discipline;
- (c) Establish the circumstances or conditions, if any, under which persons may be exempt from licensure after completion of training, while waiting to take or receive the results of any required examination, or upon meeting specified minimum educational and clinical qualifications;
- (d) Select the examination or examinations to be utilized as the board's licensure examination or examinations and the prerequisites for admission to the examination or examinations. The board may enter into a contract or agreement with the chosen examination service or services, or select an intermediary between the board and the examination service or services, to process applicants for the examination or examinations;
- (e) Establish any other criteria for licensure that are reasonably related to the safe and competent performance of prosthetics, orthotics, and pedorthics;
- (f)
 1. Establish the fees to be paid for each of the following:
 - a. Application for licensure;
 - b. Renewal or reinstatement of licensure;
 - c. Late renewal of licensure;
 - d. Application for continuing education course approval; and
 - e. Duplicate or replacement license.
 2. The fees shall be set at a level that is adequate to pay all of the expenses of implementing and administering licensure under this chapter;
- (g) Establish the continuing education requirements for licensees, which shall include the frequency of reporting, number of hours, types of courses, approval of courses, methods of proving compliance, penalties for violation, and all fees necessary for implementing the continuing education process; and
- (h) Delineate the standards of practice for persons licensed under this chapter; and
- (2) Administer and enforce the provisions of this chapter and evaluate the qualifications of applicants for licensure.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 4, effective July 15, 2010.

319B.040 Powers permitted to board -- Administrative regulations and services -- Disciplinary powers and procedures -- Retired or inactive licensure status -- Evaluation of applicants.

The board may:

- (1) Employ needed personnel and contract with the Office of Occupations and Professions within the Public Protection Cabinet for the provision of administrative services;
- (2) Issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter;
- (3) Seek injunctive relief in the Circuit Court of the county where the violation occurred to stop the unlawful practice of prosthetics, orthotics, and pedorthics by unlicensed persons;
- (4) Conduct hearings pursuant to KRS Chapter 13B and keep records and minutes necessary to carry out the functions of this chapter;
- (5) Suspend or revoke licenses, impose supervisory or probationary conditions upon licensees, impose administrative disciplinary fines, issue written reprimands or admonishments, or impose any combination of these penalties;
- (6) Grant retired or inactive licensure status under conditions set forth by the board by the promulgation of administrative regulations; and
- (7) Issue advisory private letter rulings to any affected licensee who makes such a request regarding any matters within the board's primary jurisdiction. Any private letter ruling shall affect only the person making the inquiry and shall have no precedential value for any other inquiry or future contested case that might come before the board. Any dispute regarding a private letter ruling may, if the board chooses to do so, be resolved pursuant to KRS Chapter 13B.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 5, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010). A reference to the "Division of Occupations and Professions" in subsection (1) of this section, as created by 2010 Ky. Acts ch. 109, sec. 5, has been changed in codification to the "Office of Occupations and Professions" to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

319B.050 Contents of license -- Display -- Application for replacement -- Name change.

- (1) Any license issued by the board shall contain the name of the person to whom it is issued, the address of the person, the date and number of the license, and other information the board deems necessary. The address contained on the license shall be the address where all correspondence and renewal forms from the board shall be sent. Any person whose address changes shall, within thirty (30) days after the address change, notify the board of the address change. The most recent address contained in the board's records for each licensee shall be the address deemed sufficient for purposes of service of process.
- (2) Every licensee shall either keep his or her license prominently displayed in the office or place in which the licensee practices or have it stored in a place from which it can be immediately produced upon request of a patient or a representative of the board.
- (3) Any person whose license has been lost or destroyed may apply to the board for a replacement. This application shall be accompanied by an affidavit setting out the facts concerning the loss or destruction of the original license and the payment of a reasonable replacement fee as established by the board in KRS 319B.030(1)(f).
- (4) Any person whose name is changed by marriage or court order or who changes employment, home address, or telephone shall notify the board in writing within thirty (30) days of the change.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 6, effective July 15, 2010.

319B.060 Licensure for practice of professions governed by KRS Chapter 319B -- "Grandfather" provisions for licensure.

- (1) On and after January 1, 2013, no person shall practice any profession governed by this chapter, or hold himself or herself out as being able to practice any such profession, or dispense a custom orthosis, prosthesis, or pedorthic device, unless that person is licensed by the board.
- (2)
 - (a) Until January 1, 2013, a person certified by the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), with the title of Certified Orthotist (CO), Certified Prosthetist (CP), or Certified Prosthetist/Orthotist (CPO), or by the Board of Certification/Accreditation, International (BOC) with the title of Board of Certification-Orthotist (BOCO), Board of Certification-Prosthetist (BOCP), or Board of Certification-Prosthetist/Orthotist (BOCPO), or holding similar certifications from other accrediting bodies with equivalent educational requirements and examination standards, may apply for and may be granted orthotic or prosthetic licensure by the board, upon payment of the required fee and after the board has completed a review of the applicant's work history. The board shall complete its review for the purposes of this section within six (6) months of the date of application. The review may include but is not limited to completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.
 - (b) Until January 1, 2013, an orthotist or prosthetist certified by either the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), or the Board of Certification/Accreditation, International (BOC), shall be held to the standards of practice enforced by the board that has certified the orthotist or prosthetist. For these purposes, certification by either board shall be considered equally valid and enforceable regarding pedorthist certification and standards of practice.
 - (c) After December 31, 2012, any applicant for licensure as an orthotist or a prosthetist shall meet the requirements of this chapter regarding the applicable license.
- (3)
 - (a) Until January 1, 2013, a person certified as a Certified Pedorthist (C.Ped) by the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), or certified as a Board of Certification-Pedorthist (BOCPD) by the Board of Certification/Accreditation, International (BOC), or holding similar certifications from other accrediting bodies with equivalent educational requirements and examination standards, may apply for and may be granted pedorthic licensure under this chapter, upon payment of the required fee and after the board has completed a review of the applicant's work history. The board shall complete its review for the purposes of this section within six (6) months of the date of application. The review may include but is not limited to completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.
 - (b) Until January 1, 2013, a pedorthist certified by either the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), or the Board of Certification/Accreditation, International (BOC), shall be held to the standards of practice enforced by the board that has certified the pedorthist. For these purposes, certification by either board shall be considered equally valid and enforceable regarding pedorthist certification and standards of practice.
 - (c) After December 31, 2012, any applicant for licensure as a pedorthist shall meet the requirements of the board regarding licensure.

- (4) Notwithstanding any other provision of this chapter to the contrary, as an alternative mechanism for those in practice who are not currently certified, a person who has practiced full-time for a minimum of the past four (4) years in a prosthetic/orthotic/pedorthic facility as an orthotist, prosthetist, or pedorthist, may file an application with the board before January 1, 2013, in order to continue to practice orthotics, prosthetics, or pedorthics, and may be issued a license to practice orthotics, prosthetics, or pedorthics by the board without examination, upon the board's receipt of payment of the required licensing fee and after the board has completed a review of the applicant's work history. The board shall complete its review for the purposes of this section within six (6) months of the date of application. The review may include but is not limited to completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.
- (5) (a) Until January 1, 2013, a person certified as a Certified Fitter-orthotics (CFo) by the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), or certified as a Certified Orthotic Fitter (COF) by the Board of Certification/Accreditation, International (BOC), or holding similar certifications from other accrediting bodies with equivalent educational requirements and examination standards, may apply for and may be granted licensure as an orthotic fitter under this chapter, upon payment of the required fee and after the board has completed a review of the applicant's work history. The board shall complete its review for the purposes of this section within six (6) months of the date of application. The review may include but is not limited to completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.
- (b) Until January 1, 2013, an orthotic fitter certified by either the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), or the Board of Certification/Accreditation, International (BOC), shall be held to the standards of practice enforced by the board that has certified the orthotic fitter. For these purposes, certification by either board shall be considered equally valid and enforceable regarding orthotic fitter certification and standards of practice.
- (c) After December 31, 2012, any applicant for licensure as an orthotic fitter shall meet the requirements of the board regarding licensure.
- (6) Notwithstanding any other provision of this chapter to the contrary, a person who has practiced full-time for a minimum of the past four (4) years in a prosthetic/orthotic facility as an orthotic fitter, may file an application with the board before January 1, 2013, in order to continue to practice as an orthotic fitter, and shall be issued a license to practice as an orthotic fitter by the board without examination, upon the board's receipt of payment of the required licensing fee and after the board has completed a review of the applicant's work history. The board shall complete its review for the purposes of this section within six (6) months of the date of application. The review may include but is not limited to completion by the applicant of a questionnaire regarding the applicant's work history and scope of practice.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 7, effective July 15, 2010.

319B.070 Licensee to provide care or services only upon order from licensed health care practitioner, physician, or advanced practice registered nurse.

A licensee may provide care or services only if the care or services are provided pursuant to an order from:

- (1) A licensed health care practitioner authorized to issue such an order; or
- (2) A physician licensed under KRS Chapter 311 or an advanced practice registered nurse licensed under KRS Chapter 314, if the care or services are eligible for reimbursement from Medicare, Medicaid, or health insurance.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 8, effective July 15, 2010.

Legislative Research Commission Note (7/15/2010). A reference to "advanced registered nurse practitioner" in 2010 Ky. Acts ch. 109, sec. 8, has been changed in codification to "advanced practice registered nurse" to conform with 2010 Ky. Acts ch. 85, sec. 52's renaming of that title in KRS 314.011(7).

319B.080 Licensee's scope of practice -- Written prescription required.

- (1) The scope of practice of a licensee shall not include the right to diagnose a medical problem or condition or the right to give medical advice as to the nature, cause, or treatment for the problem or condition for which the orthotic, prosthetic, or pedorthic device is being dispensed. However, the scope of practice of a licensee shall include the right to provide information or demonstration regarding the proper use and care of the device and to make adjustments to the device as needed.
- (2) No person shall dispense or sell a custom or custom-fit device, based upon an image of the customer's limb captured by the person through a mold, cast, scanning device, digital appliance, or pressure sensitive device, unless the customer has first presented to that person a written prescription for that device from a health care practitioner or provider authorized by law to write such a prescription.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 9, effective July 15, 2010.

319B.090 Licensed health care practitioners and other professions not to be limited or restricted by KRS Chapter 319B.

Nothing in this chapter or in the administrative regulations promulgated by the board pursuant to this chapter shall be interpreted to limit or restrict:

- (1) A licensed health care practitioner or provider from engaging in the full scope of practice authorized by the license for that person's profession, training, or services;
- (2) A person licensed as a physical therapist under KRS Chapter 327 or as an occupational therapist under KRS Chapter 319A from engaging in that person's profession pursuant to his or her education and training;
- (3) A person certified as an athletic trainer under KRS Chapter 311 from engaging in that person's profession pursuant to his or her education and training;
- (4) A person licensed as a physician under KRS Chapter 311 from engaging in that person's profession pursuant to his or her education and training;
- (5) A person licensed as a chiropractor under KRS Chapter 312 from engaging in that person's profession pursuant to his or her education and training;

- (6) A person licensed as a pharmacist under KRS Chapter 315 from engaging in that person's profession pursuant to his or her education and training;
- (7) A person certified as a therapeutic shoe fitter by a nationally recognized board from engaging in that person's profession pursuant to his or her education and training and within that person's scope of practice as defined by the certifying board;
- (8) Individuals acting under the supervision and control of a licensed pharmacist or pharmacy from measuring, fitting, or adjusting any noncustom fabricated and fitted device including but not limited to over-the-counter devices, so long as such individual does not create a cast, mold, or scan of a part of the human body for the purpose of constructing a medical device to treat a patient's medical condition, and so long as such individual meets one (1) of the following criteria for the device:
 - (a) Documented training from a manufacturer or training from a licensed or certified orthotist, prosthetist, or pedorthist;
 - (b) Certification or registration as a fitter of orthotic, prosthetic, or pedorthic devices from a nationally recognized board or association such as the Board of Certification/Accreditation, International (BOC), the National Community Pharmacists Association (NCPA), or the American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC); or
 - (c) Direct supervision by a trained and experienced, or certified, or registered, fitter of orthotic, prosthetic, or pedorthic devices; or
- (9) Individuals acting under the supervision and control of a licensed pharmacist or pharmacy from measuring, fitting, or adjusting any noncustom fabricated and fitted pedorthic devices including but not limited to diabetic shoes, so long as the individual meets the criteria of either subsection (8)(a) or (8)(b) of this section, and so long as the individual does not create a cast, mold, or scan of a part of the human body for the purpose of constructing a medical device to treat a patient's medical problem.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 10, effective July 15, 2010.

319B.100 Persons to whom KRS Chapter 319B does not apply.

This chapter shall not apply to:

- (1) The practice of orthotics, prosthetics, or pedorthics by a person who is employed by the federal government or any bureau, division, or agency of the federal government while in the discharge of the employee's official duties;
- (2) The practice of orthotics, prosthetics, or pedorthics by:
 - (a) A student enrolled in a school of orthotics, prosthetics, or pedorthics;
 - (b) A resident continuing his or her clinical education in a residency accredited by CAAHEP or NCOPE;
 - (c) A student in a qualified work experience program or internship in pedorthics; or
 - (d) A physician licensed under KRS Chapter 311; or
- (3) The measuring, fitting, or adjusting of an orthotic device by an employee or authorized representative of an orthosis manufacturer registered with the federal food and drug administration, when the employee or representative is directly supervised by a licensed health care professional authorized by law to prescribe, measure, or fit the device, and the measuring, fitting, or adjusting of the device occurs in the office of the licensed health care professional or in a health care facility.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 11, effective July 15, 2010.

319B.110 License required.

No person shall profess to be a licensee, or practice or assume the duties incident to a license issued under this chapter, or use the title "orthotist," "prosthetist," "pedorthist," "orthotic fitter," or any words or letters which designate or tend to designate to the public that the person is an orthotist, prosthetist, pedorthist, or orthotic fitter, unless he or she holds a valid, current license from the board.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 12, effective July 15, 2010.

319B.120 Renewal, expiration, suspension, and revocation of licenses -- Fees and penalties -- Trust and agency fund.

- (1) Every license issued under this chapter shall expire on June 30 following the date of issuance unless sooner revoked and canceled.
- (2) On or before June 1 of each year, the board shall send notices to all licensees, at their last known addresses, advising them that the annual renewal fee is due on July 1 of each year. Every licensee shall renew his or her license on or before July 1 of each year by the payment to the board of an annual renewal fee which shall be a reasonable fee set by administrative regulation of the board and upon submission of a statement of compliance with the continuing education regulations of the board. If this renewal fee is not paid or the statement of compliance is not submitted on or before July 1, the board shall notify the delinquent licensee by mail at his or her last known address that the fee and statement are past due and that a delinquent penalty fee is assessed, in addition to the renewal fee, and that the renewal fee and penalty must be paid and the statement of compliance submitted on or before January 1. If these fees, penalties, and statement are not submitted by January 1, it shall be the duty of the board to suspend or revoke the license for nonpayment of the annual renewal and delinquent fees or for failure to submit the statement of compliance for the current year.
- (3) All fees collected under the provisions of this chapter, or the administrative regulations adopted pursuant to this chapter, shall be paid into the State Treasury, and credited to a trust and agency fund to be used in defraying the costs and expenses in the administration of this chapter, including but not limited to salaries and necessary travel expenses.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 13, effective July 15, 2010.

319B.130 Reciprocal licensure.

The board is authorized in its sound discretion to:

- (1) Enter into reciprocal agreements with corresponding boards of other states having qualifications and standards at least as high as those of this state, providing for reciprocal licensure without further examination of persons who have been duly licensed upon written examination. Approval of such agreements by the Governor, or any other officer or agency of this state, shall not be required; and
- (2) Issue licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of this state, or who have successfully passed the appropriate national examination.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 14, effective July 15, 2010.

319B.140 Penalty for unprofessional conduct.

- (1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions where the licensee or applicant for licensure has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct shall include:
 - (a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
 - (b) Unprofessional conduct as defined by administrative regulations promulgated by the board or violation of the code of ethics promulgated by the board through administrative regulations;
 - (c) Being convicted of a felony in any court if the act or acts for which the applicant or licensee was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of the licensed profession;
 - (d) Violating any lawful order or administrative regulation rendered or promulgated by the board; or
 - (e) Violating any provision of this chapter.
- (2) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon an applicant or licensee may be ordered by the board in a decision made after an administrative hearing conducted in accordance with KRS Chapter 13B and administrative regulations promulgated by the board. The board may accept or reject an application for reinstatement following an administrative hearing conducted in accordance with KRS Chapter 13B.
- (3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions under this chapter.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 15, effective July 15, 2010.

319B.150 Penalties for practice in violation of KRS Chapter 319B.

- (1) Until January 1, 2013, any person who practices as an orthotic fitter, orthotist, prosthetist, or pedorthist in violation of this chapter shall be subject to only a warning for the first offense. The person shall be granted thirty (30) days to comply with the provisions of this chapter. Any subsequent offenses committed at any time shall be subject to the relevant penalties in subsection (2) of this section.
- (2) Except as otherwise indicated in subsection (1) of this section, any person who violates any provision of this chapter shall be guilty of a Class A misdemeanor and shall pay a fine not to exceed five thousand dollars (\$5,000) per violation.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 109, sec. 16, effective July 15, 2010.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 44:010. Fees.

RELATES TO: KRS 319B.030

STATUTORY AUTHORITY: KRS 319B.030(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1)(f) requires the board to promulgate administrative regulations to carry out the provisions of KRS Chapter 319B. KRS 319B.030(1)(f) requires fees for applications, renewals and reinstatements, late renewals and applications for continuing education course approvals and duplicate licenses or replacements. This administrative regulation establishes those fees.

Section 1. Application Fees. The following fees shall be paid for applications for the following licenses issued by the board:

- (1) The fee for an application as a Licensed Prosthetist, a Licensed Orthotist, or dual licensure as a Licensed Orthotist/Prosthetist shall be a \$100 nonrefundable application fee and \$250 for the initial license fee; and
- (2) The fee for application as a Licensed Pedorthist shall be a \$100 nonrefundable application fee and \$200 for the initial license fee; and
- (3) The fee for application as a Certified Fitter shall be a \$100 nonrefundable application fee and \$150 for the initial license fee.
- (4) The board shall refund the initial license fee to an applicant who does not qualify or has been denied a license.

Section 2. Renewal and Reinstatement. The following fees shall be paid for renewals and reinstatements for licenses issued by the board:

- (1) The renewal fee on or before July 1 for a Licensed Prosthetist, a Licensed Orthotist, or dual licensure as a Licensed Orthotist/Prosthetist shall be \$250;
- (2) The renewal fee on or before July 1 for a Licensed Pedorthist shall be \$200 dollars; and
- (3) The renewal fee on or before July 1 for a Licensed Orthotic Fitter shall be \$150.
- (4) The late renewal fee for all licenses during the grace period starting July 1 and ending January 1 shall be \$500, in addition to the initial license fee as set forth in Section 1 of this administrative regulation.
- (5) The reinstatement fee after January 1 of a license suspended or revoked or for failure to submit the statement of compliance for the current year shall be \$100 in addition to the late renewal fee as set forth in subsection (4) above and in addition to the initial license fee in Section 1 of this administrative regulation.

Section 3. Duplicate or Replacement License Fee. The fee for a duplicate license shall be ten (10) dollars.

Section 4. Application for Continuing Education Course Approval. The application fee for continuing education course approval shall be fifty (50) dollars per event. (38 Ky.R. 426; 1118; eff. 1-6-12.)

201 KAR 44:020. Requirements for licensure as an Orthotist, Prosthetist, Orthotist/Prosthetist, Pedorthist, or Orthotic Fitter prior to January 1, 2013.

RELATES TO: KRS 319B.060(2)(a), (3)(a), (5)(a)

STATUTORY AUTHORITY: KRS 319B.060(2)(a), (3)(a), (5)(a), 319B.030(1)(a), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319B requires the board to establish a procedure for the licensure of persons who wish to practice in this state as a Licensed Orthotist, Licensed Prosthetist, Licensed Pedorthist, or Licensed Orthotic Fitter. This administrative regulation sets forth the procedure by which those applicants shall apply for a license under the provisions of KAR Chapter 201.

Section 1. Licensure of an Orthotist, Prosthetist or Orthotist/Prosthetist. An applicant for licensure as an Orthotist, Prosthetist, or Orthotist/Prosthetist shall meet the following requirements:

- (1) Submit a completed "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-01 06/2011";
- (2) Submit a copy of the current certificate issued by:
 - (a) American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), with the title of:
 1. Certified Orthotist (CO);
 2. Certified Prosthetist (CP); or
 3. Certified Prosthetist/Orthotist (CPO); or
 - (b) Board of Certification/Accreditation, International (BOC) with the title of:
 1. Board of Certification-Orthotist (BOCO);
 2. Board of Certification-Prosthetist (BOCP);
 3. Board of Certification-Prosthetist/Orthotist (BOCPO);
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010.
- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application.

Section 2. Licensure of a Pedorthist. An applicant for licensure as a Pedorthist shall meet the following requirements:

- (1) Submit a completed Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form, BPOP-01, 06/2011;
- (2) Submit a copy of the current certificate issued by:
 - (a) American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), with the title of Certified Pedorthist (CPed); or
 - (b) Board of Certification/Accreditation, International (BOC) with the title of Board of Certification-Pedorthist (BOCPD).
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010.
- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application.

Section 3. Licensure of an Orthotic Fitter. An applicant for licensure as an Orthotic Fitter shall meet the following requirements:

- (1) Submit a completed Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-01 06/2011;
- (2) Submit a copy of the current certificate issued by:
 - (a) American Board for Certification in Orthotics, Prosthetics and Pedorthics, Inc. (ABC), with the title of Certified Orthotic Fitter (COF); or
 - (b) Board of Certification/Accreditation, International (BOC) with the title of Board of Certification-Orthotic Fitter (BOCOF).
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010.

- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application.
- (5) Submit a current copy of the certificate issued by the NBCOT stating that the applicant meets the requirements of certification as a COTA; and

Section 4. Incorporation by Reference.

- (1) "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application, Form BPOP-01, 06/2011", is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (38 Ky.R. 427; 900; 1119; eff. 1-6-12.)

201 KAR 44:030. Alternative Mechanism Requirements for licensure as an Orthotist, Prosthetist, Orthotist/Prosthetist, Pedorthist, or Orthotic Fitter prior to January 1, 2013 for applicants in practice who are not currently certified.

RELATES TO: KRS 319B.060(4), (6)

STATUTORY AUTHORITY: KRS 319B.060(4), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319B requires the board to establish a procedure for the licensure of persons who wish to practice in this state as a Licensed Orthotist, Licensed Prosthetist, Licensed Orthotist/Prosthetist, Licensed Pedorthist, or Licensed Orthotic Fitter. This administrative regulation sets forth the procedure by which those applicants shall apply for a license who do not hold certification.

Section 1. Licensure of an Orthotist. An applicant for licensure as an Orthotist shall meet the following requirements:

- (1) Submit a completed "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-01 06/2011" incorporated by reference in 201 KAR 44:020;
- (2) Submit independently verifiable proof of having practiced full-time for a minimum of the past four (4) years in a Prosthetic/Orthotic/Pedorthic facility as an Orthotist;
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010;
- (4) Submit detailed work history, including scope of practice, covering the four year period prior to the date of application;
- (5) Submit twenty (20) written patient case studies in Orthotics in relation to upper, lower and spinal custom fabricated and fitted devices, and treatment modalities to include:
 - (a) Written prescription for the orthotic or prosthetic device from a health care practitioner or provider authorized by law to write the prescription.
 - (b) Documented L Coding for prescribed orthotic or prosthetic device;
 - (c) Billing, fee, and insurance arrangements;
 - (d) Biomechanical rationale and design characteristics of prescribed device; and
 - (e) Patient Clinical Records, with documentation of subjective, objective, assessment, and plan, including applicable documentation to support treatment modality; and
- (6) Three (3) letters of recommendation by:
 - (a) Licensed healthcare professionals authorized by law to prescribe, measure or fit devices; and
 - (b) Who have been or are referral sources for the applicant.

Section 2. Licensure of a Prosthetist. An applicant for licensure as a Prosthetist shall meet the following requirements:

- (1) Submit a completed "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-011 06/2011" incorporated by reference in 201 KAR 44:020;
- (2) Submit independently verifiable proof of having practiced full-time for a minimum of the past four (4) years in a Prosthetic/Orthotic/Pedorthic facility as a Prosthetist;
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010;
- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application;
- (5) Submit twenty (20) written patient case studies in Prosthetics in relation to upper and lower custom fabricated devices, and treatment modalities to include:
 - (a) Written prescription for the orthotic or prosthetic device from a health care practitioner or provider authorized by law to write the prescription;
 - (b) Documented L Coding for prescribed orthotic or prosthetic device;
 - (c) Billing, fee, and insurance arrangements;
 - (d) Biomechanical rationale and design characteristics of prescribed device; and
 - (e) Patient Clinical Records, with documentation of subjective, objective, assessment, and plan, including applicable documentation to support treatment modality; and
- (6) Three (3) letters of recommendation by:
 - (a) Licensed healthcare professionals authorized by law to prescribe, measure or fit devices; and
 - (b) Who have been or are referral sources for the applicant.

Section 3. Licensure of a Pedorthist. An applicant for licensure as a Pedorthist shall meet the following requirements:

- (1) Submit a completed "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-01 06/2011" incorporated by reference in 201 KAR 44:020;
- (2) Submit independently verifiable proof of having practiced full-time for a minimum of the past four (4) years in a Prosthetic/Orthotic/Pedorthic facility as a Pedorthist;
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010;
- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application;
- (5) Submit twenty (20) written patient case studies in Pedorthics in relation to foot and ankle custom fabricated and fitted devices, and treatment modalities to include:
 - (a) Written prescription for the orthotic or prosthetic device from a health care practitioner or provider authorized by law to write the prescription;
 - (b) Documented L Coding for prescribed orthotic or prosthetic device;
 - (c) Billing, fee, and insurance arrangements;
 - (d) Biomechanical rationale and design characteristics of prescribed device, and;
 - (e) Patient Clinical Records, with documentation of subjective, objective, assessment, and plan, including applicable documentation to support treatment modality; and
- (6) Three (3) letters of recommendation by:
 - (a) Licensed healthcare professionals authorized by law to prescribe, measure or fit devices; and
 - (b) Who have been or are referral sources for the applicant.

Section 4. Licensure of an Orthotic Fitter. An applicant for licensure as an Orthotic Fitter shall meet the following requirements:

- (1) Submit a completed "Orthotist/Prosthetist/Pedorthist/Orthotic Fitter Application Form BPOP-01 06/2011" incorporated by reference in 201 KAR 44:020;
- (2) Submit independently verifiable proof of having practiced full-time for a minimum of the past four (4) years in a Prosthetic/Orthotic/Pedorthic facility as an Orthotic Fitter;
- (3) Submit the appropriate fee for licensure as required by 201 KAR 44:010;

- (4) Submit detailed work history, including scope of practice, covering the four (4) year period prior to the date of application;
- (5) Submit twenty (20) written patient case studies in Orthotic Fitting in relation to the following non custom orthotic devices set forth in KRS 319B.010(6)(a)-(e) to include:
 - (a) Written prescription for the orthotic or prosthetic device from a health care practitioner or provider authorized by law to write the prescription, and;
 - (b) Patient Clinical Records, with documentation of subjective, objective, assessment, and plan, including applicable documentation to support treatment modality; and
- (6) Three (3) letters of recommendation by:
 - (a) Licensed healthcare professionals authorized by law to prescribe, measure or fit devices; and
 - (b) Who have been or are referral sources for the applicant. (38 Ky.R. 429; 900; 1120; eff. 1-6-12.)

201 KAR 44:040. Professional Conduct and Code of Ethics

RELATES TO: KRS 319B.030, 319B.140

STATUTORY AUTHORITY: KRS 319B.030 (1)(h), 319B.140 (1)(b), (d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1)(h) requires the board to establish standards of practice for person licensed pursuant to KRS Chapter 319B. This administrative regulation defines unprofessional conduct and sets forth a code of ethics for persons licensed under KRS Chapter 319B.

Section 1. Failure to comply with any of the provisions in this section shall constitute unprofessional conduct in the practice of Licensed Prosthetist, Licensed Orthotist, Licensed Prosthetist/Orthotist, Licensed Pedorthist, or Licensed Orthotic Fitter.

Section 2. Responsibilities to Other Licensed Healthcare Practitioner or Provider. The licensee shall:

- (1) Receive and document a prescription or other valid referral, authorization, hospital or skilled nursing facility order from a licensed healthcare practitioner or provider:
 - (a) Authorized by law to provide those prescriptions; and
 - (b) Which is consistent with the standards of the healthcare practitioner or provider;
- (2) Consult and coordinate with the licensed healthcare practitioner or provider to determine and to document the medical appropriateness of the orthotic, prosthetic, or pedorthic device;
- (3) Notify the licensed healthcare practitioner or provider of changes in the patient's condition that may affect the patient's orthotic, prosthetic or pedorthic treatment plan; and
- (4) Notify and obtain authorization from the licensed healthcare practitioner or provider prior to repair or adjustment of an orthotic, prosthetic, or pedorthic device if:
 - (a) The repairs or adjustments do not conform to the original prescription; or
 - (b) The repairs or adjustments substantially alter the design or function of the originally prescribed device.

Section 3. Responsibilities to the Patient.

- (1) The licensee shall:
 - (a) Monitor and observe the patient's physical condition regarding the orthotic, prosthetic, or pedorthic care and the prescribed device;
 - (b) Ensure the orthotic, prosthetic, or pedorthic device is functioning appropriately to implement the patient's treatment plan;

- (c) Maintain as confidential all information relating to a patient's identity, background, condition, treatment or management plan, or any other private information relating to the patient;
 - (d) Not communicate any confidential information to any person or entity who is not providing direct medical care to the patient:
 - 1. Without the prior written consent of the patient or patient's legal guardian; or
 - 2. Unless required by a court order or other applicable legal requirements;
 - (e) Comply with KRS 422.317;
 - (f) Complete all patient care documentation within a reasonable time from date of service;
 - (g) Submit all insurance requirements necessary for billing within a reasonable time from the date of service;
 - (h) Accept a patient regardless of race, gender, color, religion or national origin or on any basis that would constitute illegal discrimination under state or federal law;
 - (i) Refer a patient to another licensed healthcare practitioner or provider if the nature and extent of a problem of the patient exceeds the scope of competence of the licensee;
 - (j) Inform the patient of the patient's right to seek orthotic, prosthetic, or pedorthic services from any qualified healthcare practitioner or provider; and
 - (k) Consult the patient's parent, legal guardian, or other third party who has decision-making authority for the patient when the patient's personal judgment to make decisions concerning the device or services being offered may be impaired.
- (2) The licensee shall not:
- (a) Engage in false, misleading, or deceptive acts related to the cost of the services provided or recommended;
 - (b) Utilize or continue orthotic, prosthetic or pedorthic services beyond the point of reasonable benefit or by providing services more frequently than medically necessary unless consented to in writing by the patient;
 - (c) Submit false, misleading, or deceptive information regarding payment or reimbursement;
 - (d) Engage in the excessive use of alcoholic beverages or the abusive use of controlled substances;
 - (e) Verbally or physically abuse a client;
 - (f) Delegate to an unlicensed employee or person a service which requires the skill, knowledge, or judgment of a licensee under KRS Chapter 319B;
 - (g) Aid or abet an unlicensed person to practice when a license is required; or
 - (h) Exercise undue influence in a manner as to exploit the patient for financial or other personal advantage to the licensee or a third party.

Section 4. Patient Documentation.

A licensee shall complete all documentation as follows:

- (1) A patient assessment to include:
 - (a) The documentation required by Section 2(1)(a) of this administrative regulation;
 - (b) Physical evaluation; and
 - (c) Patient's written and informed consent;
- (2) A treatment plan to include:
 - (a) Documentation of subjective, objective, assessment, and plan of care;
 - (b) Applicable documentation to support treatment modality; and
 - (c) Follow-up and evaluation of clinical outcomes; and
- (3) Practice management to include:
 - (a) Documented L coding for prescribed orthotic or prosthetic device; and
 - (b) Billing, fee, and insurance arrangements.

Section 5. Responsibilities to Research Subjects.

The licensee, if engaged in a research project or study, shall:

- (1) Ensure that all patients affiliated with those projects or studies consent in writing to the use of the results of the study;
- (2) Maintain as confidential all information relating to a patient's identity, background, condition, treatment or management plan, or any other information relating to the patient;
- (3) Maintain patient dignity and well-being;
- (4) Ensure the research is conducted in accordance with all federal and state laws;
- (5) Take reasonable steps to prevent false, misleading, or deceptive acts and practices relating to the research project or study; and
- (6) Immediately report, in writing, unethical or illegal conduct to the board or appropriate law enforcement authority, if the licensee has reason to believe that any unethical or illegal conduct has occurred or is likely to occur.

Section 6. Responsibilities to the Kentucky Board of Prosthetics, Orthotics and Pedorthics.

(1) The licensee shall:

- (a) Comply with the reporting requirements of KRS 319B.050(1) and (4);
- (b) Notify the board, in writing, within thirty (30) days after the date upon which:
 1. A payment is made by the licensee, or on the licensee's behalf, to settle a claim of professional negligence;
 2. Conviction of a felony in any court;
 3. A disciplinary action against the licensee by any other governmental licensing authority of this state or any other state; or
 4. Suspension or cessation of participation of any federal or state reimbursement program;
- (c) File an initiating complaint with the board if the licensee has actual knowledge, which may be inferred from the circumstances, that another licensee has committed a violation of KRS Chapter 319B or the administrative regulations;
- (d) Use the correct designation following the licensee's name on any patient record or advertising as follows:
 1. If the licensee is an Orthotist, "LO";
 2. If the licensee is a Prosthetist, "LP";
 3. If the licensee is a Prosthetist/Orthotist, "LPO";
 4. If the licensee is a Pedorthist, "LPed";
 5. If the licensee is an Orthotic Fitter, "LOF"; or
 6. Appropriate designations for advanced academic degrees or bona fide certifications, if any, following the above designations.

(2) The licensee shall not:

- (a) Fail to cooperate with the board by:
 1. Not furnishing any papers or documents requested by the board;
 2. Not furnishing in writing a complete explanation covering the matter contained in a complaint filed with the board;
 3. Not appearing before the board at a time and place designated; or
 4. Not properly responding to subpoenas issued by the board;
- (b) Pay any financial interest, compensation, or other value to be received by a referral source for:
 1. Services provided by the licensee;
 2. Prosthetic, orthotic, pedorthic devices; or
 3. Other services the licensee may recommend for the patient;

- (c) Have, or attempt to have, sexual relations with:
 - 1. An active patient of record, unless a consensual sexual relationship existed between them before the licensee-patient relationship commenced;
 - 2. A patient of record for a period of ninety (90) days from the last date of service rendered to the patient or;
 - 3. A parent, legal guardian, or other third party, who has decision-making authority for:
 - a. An active patient of record; or
 - b. For a period of ninety (90) days from the last date of service rendered to the patient whichever is longer;
- (d) Use any advertising material, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation however disseminated or published which is false, misleading, deceptive, or untruthful; or
- (e) Commit or attempt to commit any unfair, false, misleading, or deceptive act or practice. (38 Ky.R. 431; 901; 1121; eff. 1-6-12)

201 KAR 44:050. Per diem of board members.

RELATES TO: KRS 319B.020(6)

STATUTORY AUTHORITY: KRS 319B.020(6), 319B.030(2) and 12.070(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.020(6) authorizes board members to receive a per diem reimbursement of reasonable expenses for each day actually engaged in the duties of the office. KRS 12.070(5) authorizes the board members to receive reimbursement for their actual and necessary expenses. This administrative regulation sets the per diem amount board members receive to be reimbursement for their actual and necessary expenses.

Section 1. Each member of the board shall receive reimbursement for their actual and necessary expenses. (38 Ky.R. 423; 1123; eff. 1-6-12.)

201 KAR 44:060. Continuing education requirements and procedures.

RELATES TO: KRS 12.355, 12.357, 319B.010(13), (18), (22), 319B.030(1)(g), (2), 319B.120(1), (2), 319B.140(1)(d)

STATUTORY AUTHORITY: KRS 319B.030(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1)(g) requires the board to promulgate administrative regulations establishing the continuing education requirements for licensees, which shall include the frequency of reporting, number of hours, types of courses, methods of proving compliance, penalties for violation, and all fees necessary for implementing the continuing education process. This administrative regulation establishes continuing education requirements and procedures.

Section 1. Definitions.

- (1) "Contact hour" means an approved credit earned based on sixty (60) minutes of participation in a prosthetics, orthotics, or pedorthics-related activity.
- (2) "Continuing education" means a planned learning experience relating to the scope of prosthetics, orthotics, or pedorthics practice as defined by KRS 319B.010(13), (18), and (22) and if the subject is intervention, examination, research, documentation, education, or management of health care delivery systems.
- (3) "Jurisprudence Examination" means an open book tutorial provided by the board on KRS Chapter 319B and 201 KAR Chapter 44.

Section 2. (1) A licensee applying for renewal shall have completed the continuing education requirements established in this section during the preceding renewal period. Continuing education shall be based on contact hours awarded.

- (a) For a licensed prosthetist, the board shall require ten (10) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:
 - 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
 - 2. At least seven (7) hours shall be earned from Category 1 as established in subsection (2) of this section; and
 - 3. No more than three (3) hours shall be earned from Category 2 as established in subsection (3) of this section.
 - (b) For a licensed orthotist, the board shall require ten (10) contact hours as a condition of renewal. These hours shall be obtained as follows:
 - 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
 - 2. At least seven (7) hours shall be earned from Category 1 as established in subsection (2) of this section; and
 - 3. No more than three (3) hours shall be earned from Category 2 as established in subsection (3) of this section.
 - (c) For a licensed prosthetist-orthotist, the board shall require fifteen (15) contact hours as a condition of renewal. These hours shall be obtained as follows:
 - 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
 - 2. At least twelve (12) hours shall be earned from Category 1 as established in subsection (2) of this section; and
 - 3. No more than three (3) hours shall be earned from Category 2 as established in subsection (3) of this section.
 - (d) For a licensed pedorthist, the board shall require eight (8) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:
 - 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
 - 2. At least six (6) hours shall be earned from Category 1 as established in subsection (2) of this section; and
 - 3. No more than two (2) hours shall be earned from Category 2 as established in subsection (3) of this section.
 - (e) For a licensed fitter - orthotics, the board shall require seven (7) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:
 - 1. One (1) hour shall be awarded for the successful completion of the Jurisprudence Examination per biennium;
 - 2. At least six (6) hours shall be earned from Category 1 as established in subsection (2) of this section; and
 - 3. No more than one (1) hour shall be earned from Category 2 as established in subsection (3) of this section.
- (2) Category 1 continued competency shall be any of the following:
- (a) Completion of courses, seminars, workshops, or symposia consisting of at least three (3) contact hours that have been approved by the board; the board's designee; the Kentucky Orthotics Prosthetics Association; the American Board of Certification for Orthotics, Prosthetics, and Pedorthics, Inc.; the Board of Certification/Accreditation International or any of their components; or any other prosthetics, orthotics, or pedorthics licensing agency;

- (b) Completion or auditing of an accredited postsecondary educational institution credit course in the field of orthotics, prosthetics, or pedorthotics. Fifteen (15) contact hours shall be awarded for each semester completed;
 - (c) Presentation of continuing education courses, workshops, seminars, or symposia that have been approved by the board or its designee;
 - (d) Authorship of a research article, manuscript, or scientific paper, published in the biennium and related to prosthetics, orthotics, or pedorthics. Four (4) contact hours shall be awarded with a maximum of two (2) events per year;
 - (e) A presented scientific poster or scientific platform presentation related to prosthetics, orthotics, or pedorthics. Three (3) contact hours shall be awarded per event with a maximum of two (2) events per year;
 - (f) Teaching part of a prosthetics, orthotics, or pedorthics credit course if that teaching is not the primary employment of the licensee. A maximum of two (2) contact hours per year shall be awarded;
 - (g) Completion of a clinical residency director or clinical fellowship program. Not more than five (5) contact hours shall be awarded per year, per resident with a maximum of ten (10) contact hours per year;
 - (h) Engaging in the practice of prosthetics, orthotics, or pedorthics as defined by KRS 319B.010(13), (18), and (22) at least 1,000 hours per biennium. One (1) contact hour shall be awarded per year;
 - (i) Engaging in the instruction in a Commission on Accreditation of Allied Health Education Programs-accredited program at least 1,000 hours per biennium. One (1) contact hour shall be awarded per year;
 - (k) Appointment to the Kentucky Board of Prosthetics, Orthotics, and Pedorthics. Two (2) contact hours shall be awarded per year;
 - (l) Election or appointment as an officer or committee chair to a position of the Kentucky Orthotics Prosthetics Association; the American Board of Certification for Orthotics, Prosthetics, and Pedorthics, Inc.; or the Board of Certification/Accreditation International. Two (2) contact hours shall be awarded per biennium; or
 - (m) Member of a committee or task force for one (1) of the organizations in paragraph (k) or (l) of this subsection. One (1) contact hour shall be awarded per year.
- (3) Category 2 continuing education shall be any of the following:
- (a) Self-instruction from reading professional literature or home study program. One half (1/2) contact hour shall be awarded per year;
 - (b) Clinical instructor for a Commission on Accreditation of Allied Health Education Programs-approved educational program. Continued competency shall be one (1) contact hour yearly per resident;
 - (c) Participation in a prosthetics, orthotics, or pedorthics in-service or study group consisting of two (2) or more licensees. A maximum of one (1) contact hour shall be awarded per year;
 - (d) Participation in community service related to health care. A maximum of one (1) contact hour of continued competency shall be awarded yearly;
 - (e) Member of the American Board of Certification for Orthotics Prosthetics and Pedorthics, Inc., or the Board of Certification/Accreditation International. One-half contact hour shall be awarded per year; or
 - (f) Member of the Kentucky Prosthetics and Orthotics Association. One (1) contact hour shall be awarded per year.
- (4) Documentation of compliance.
- (a) Each licensee shall retain independently verifiable documentation of completion of all continuing education requirements of this administrative regulation for a period of at least three (3) years from the end of the license year.

- (b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continuing education activities to the board.
 - (c) A licensee who fails to provide evidence of the continuing education activities or who falsely certifies completion of continuing education activities shall be subject to disciplinary action pursuant to KRS 319B.140(1)(d).
- (5) Exemption and extension.
- (a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:
 - 1. Files a completed Extension of Time for Completion of Continued Competency Form, including a plan describing how the required credits will be met; and
 - 2. Submits documentation showing evidence of undue hardship by reason of the licensee's:
 - a. Age;
 - b. Disability;
 - c. Medical condition;
 - d. Financial condition; or
 - e. Other clearly mitigating circumstance.
 - (b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:
 - 1. Files a completed Extension of Time for Completion of Continued Competency Form, including a plan describing how the required credits will be met, by December 31 of the year in the renewal cycle for which the extension is sought;
 - 2. Pays a fee of \$250;
 - 3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and
 - 4. Files proof of compliance with the continuing competency requirements by the following July 1.
 - (c) A licensee on active military duty or a spouse thereof shall be granted an exemption from continuing education requirements in accordance with KRS 12.355 or 12.357.

Section 3. Incorporation by Reference.

- (1) "Extension of Time for Completion of Continued Competency Form", December 2011, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 5:00 p.m. (38 Ky.R. 1512; 1853; eff. 6-1-2012.)

201 KAR 44:070. Complaint process and disciplinary action procedure.

RELATES TO: KRS 319B.040(2) - (5), 319B.110, 319B.140(1)-(3)

STATUTORY AUTHORITY: KRS 319B.030(1)(e), (h), 319B.040(2) – (5), 319B.110, 319B.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.110 requires the board to prohibit unlicensed persons from engaging in the practice of Prosthetics, Orthotics, or Pedorthics or using the title of, Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics. KRS 319B.140(3) authorizes the board to seek injunctive relief to stop the unlawful practice of prosthetics, orthotics, or pedorthics by unlicensed persons. This administrative regulation establishes provisions to protect and safeguard the health and safety of the citizens of Kentucky and to provide procedures for filing, evaluating, and disposing of complaints.

Section 1. Definitions.

- (1) "Act" means Chapter 319B of the Kentucky Revised Statutes.
- (2) "Board" is defined by KRS 319B.010(1).
- (3) "Charge" means a specific allegation contained in a document issued by the board or hearing panel alleging a violation of a specified provision of the KRS Chapter 319B or 201 KAR Chapter 44.
- (4) "Complaint Committee" means the committee appointed pursuant to Section 2 of this administrative regulation.
- (5) "Formal complaint" means a formal administrative pleading or notice of administrative hearing authorized by the board that sets forth charges against a licensed holder or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.
- (6) "Initiating complaint" means an allegation alleging misconduct by a licensee or applicant or alleging that an unlicensed person is engaging in the practice of prosthetics, orthotics, or pedorthics, or using the title prosthetist, orthotist, pedorthist, or orthotic fitter.
- (7) "Order" means the whole or a part of a final disposition of a hearing.
- (8) "Presiding officer" means the person appointed by the board to preside at a hearing pursuant to KRS 319B.140(2) and Chapter 13B, and shall include either a hearing officer or a member of the hearing panel.
- (9) "Respondent" means the person against whom an initiating or a formal complaint has been made.

Section 2. Initiating Complaint.

- (1) Source of initiating complaint. An initiating complaint may be initiated by the board, by the public, or by a governmental agency. A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid initiating complaint.
- (2) Form of initiating complaint. Initiating complaints shall:
 - (a) Be in writing;
 - (b) Clearly identify the person against whom the initiating complaint is being made;
 - (c) Contain the date;
 - (d) Identify by signature the person making the initiating complaint; and
 - (e) Contain a clear and concise statement of the facts giving rise to the initiating complaint.
- (3) Receipt of initiating complaint. An initiating complaint may be received by:
 - (a) A board member;
 - (b) The Office of the Attorney General; or
 - (c) A staff member of the board.
- (4) Reply of respondent. A copy of the initiating complaint shall be mailed to the respondent. The respondent shall file with the board a written response to the initiating complaint:
 - (a) Within fifteen (15) days of the date on which the initiating complaint was mailed; or
 - (b) Within thirty (30) days upon written request of the respondent documenting good cause for an extension of time to respond.
- (5) Complaint Committee.
 - (a) The Complaint Committee shall consist of no more than two (2) board members appointed by the chair of the board to:
 1. Review initiating complaints, responses, and investigative reports;
 2. Participate in informal proceedings to resolve formal complaints; and
 3. Make recommendations for disposition of initiating complaints and formal complaints to the full board.
 - (b) The Complaint Committee may be assisted by the board staff and counsel to the board.

- (6) Consideration of initiating complaint. At the next regularly-scheduled meeting of the board or as soon thereafter as practicable, the board or the complaint committee shall review the initiating complaint and response. The board shall determine if an investigation is warranted, and if so, the board shall appoint an agent or representative of the board to conduct an investigation of the initiating complaint.
- (7) Order for status examination.
 - (a) If there is reasonable cause to believe that a licensee or applicant for a license may be physically or mentally impaired, and may not be able to practice with reasonable skill and safety to the public, the board shall order the licensee or applicant to submit to an examination by a psychologist or a physician designated and paid by the board in order to determine the licensee's or applicant's mental or physical health to practice prosthetics, orthotics, or pedorthics.
 - (b) The board shall then consider the findings and conclusion of the examination and the final investigative report, if any, at the board's next regularly-scheduled meeting or soon thereafter.
- (8) Investigation.
 - (a) The person about whom the initiating complaint has been considered shall be contacted. With the consent of the respondent, a meeting may be scheduled at which time the person about whom the initiating complaint has been made may respond further to the allegations of the initiating complaint. The board and the respondent shall have the right to be represented at the meeting by legal counsel.
 - (b) Report of investigation. Upon the completion of the investigation, the person or persons making that investigation shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.
 - (c) Consideration of complaint and investigative report. Based on consideration of the complaint; the investigative report, if any; and the psychological or physical examination, if any, the board shall determine if there has been a prima facie violation of the Act.
 - 1. If it is determined that the facts alleged in the initiating complaint or investigative report do not constitute a prima facie violation of KRS Chapter 319B or 201 KAR Chapter 44, the board shall notify the person making the initiating complaint and the respondent that no further action shall be taken at the present time.
 - 2.
 - a. If it is determined that there is a prima facie violation of KRS Chapter 319B or 201 KAR Chapter 44, the board shall issue a formal complaint against the licensee or applicant.
 - b. In the case of a prima facie violation of KRS 319B.110 and the respondent is not a licensee or an applicant, the board shall:
 - (i) Issue a cease and desist order;
 - (ii) File suit to enjoin the violator pursuant to KRS 319B.040(3); and
 - (iii) Seek criminal prosecution pursuant to KRS 319B.150.

Section 3. Formal Complaint.

If the board votes to file a formal complaint, a notice of administrative hearing shall be filed as required by KRS 13B.050.

Section 4. Formal Response.

- (1) Within twenty (20) days of service of the notice of administrative hearing, the respondent shall file with the board a written response to the specific allegations set forth in the notice of administrative hearing.
- (2) Allegations not properly responded to shall be deemed admitted.
- (3) The board shall, if there is good cause, permit the late filing of a response.

Section 5. Composition of the Hearing Panel.

- (1) Disciplinary actions shall be heard by a hearing officer and:
 - (a) The full board or a quorum of the board;
 - (b) A hearing panel consisting of at least one (1) board member appointed by the board; or
 - (c) The hearing officer alone in accordance with KRS 13B.030(1).

Section 6. Administrative Disciplinary Fine.

If the board finds against the respondent on a charge, an administrative disciplinary fine in accordance with KRS 319B.040(5) shall be assessed against the respondent.

Section 7. Notification of Action Taken.

The board shall make public:

- (1) Its final order in a disciplinary action; and
- (2) Action, if any, taken pursuant to Section 2(8)(c)2.b.(i) - (iii) of this administrative regulation. (38 Ky.R. 1514; Am. 1854; eff. 6-1-2012.)

201 KAR 44:080. Renewals.

RELATES TO: KRS 319B.120

STATUTORY AUTHORITY: KRS 319B.030(1)(a), (b), (e), 319B.120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.120 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

Section 1. Renewal.

- (1) A Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics shall annually, on or before June 30:
 - (a) File a completed Application for Renewal;
 - (b) Submit proof of completion of continuing education established by 201 KAR 44:060; and
 - (c) Pay to the board the renewal fee established by 201 KAR 44:010.

Section 2. Grace Period.

A six (6) month grace period shall apply beginning July 1, during which a Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics may:

- (1) Continue to practice during the six (6) month grace period; and
- (2) Renew his or her license upon payment of the initial license fee and the late renewal fee; and
- (3) Complete the requirements of Section 1(1)(a) and (b) of this administrative regulation.

Section 3. Expiration of License.

- (1) A license that is not renewed before December 31 shall be expired for failure to renew.
- (2) Upon expiration for failure to renew, the Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics shall not practice prosthetics, orthotics, or pedorthics in the Commonwealth of Kentucky.

- (3) The board shall:
 - (a) Notify in writing the Licensed Prosthetist, Licensed Orthotist, Licensed Pedorthist, or Licensed Fitter-orthotics at the last known address of record of the expiration for failure to renew; and
 - (b) Instruct in writing the person whose license has expired to cease and desist practice.

Section 4. Reinstatement.

After January 1, a person whose license has expired for failure to renew, shall have his or her license reinstated upon:

- (1) Payment of the initial license fee and the reinstatement fee;
- (2) Completion of the Application for Reinstatement;
- (3) Documentation of employment from the time of expiration of employment until the present; and
- (4) Completion of the current requirements for licensure established in this administrative regulation.

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Renewal", 4/2012; and
 - (b) "Application for Reinstatement", 4/2012.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Prosthetics, Orthotics, Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3296, Monday through Friday, 8 a.m. to 4:30 p.m. (38 Ky.R. 1516; Am. 1856; eff. 6-1-2012.)

201 KAR 44:090. Requirements for licensure as an orthotist, prosthetist, orthotist prosthetist, pedorthist, or orthotic fitter on or after January 1, 2013.

RELATES TO: KRS 319B.010, 319B.030, 319B.110

STATUTORY AUTHORITY: KRS 319B.030(1), (2), 319B.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1) requires the board to establish licensure categories and issue licenses for persons who wish to practice in this state as a licensed orthotist, licensed prosthetist, licensed orthotist-prosthetist, licensed pedorthist, or licensed orthotic fitter. This administrative regulation establishes the procedure by which those applicants shall apply for a license pursuant to KRS 319B.030.

Section 1. Licensure of an Orthotist, Prosthetist or Orthotist-Prosthetist. An applicant for licensure as an orthotist, prosthetist, or orthotist-prosthetist shall submit:

- (1) A completed "Application for Licensure", Form BPOP1;
- (2) A certified copy of the applicant's transcript from an accredited college or university showing a minimum of a baccalaureate degree awarded to the applicant;
- (3) A certified copy of the applicant's education program in orthotics, prosthetics, or both from an educational program accredited by the Commission on Accreditation of Allied Health Education Program;
- (4) Proof of completion of a residency meeting the standards established in KRS 319B.010(26) for the discipline for which the applicant has applied;

- (5) Proof of the applicant's having obtained a passing score on the American Board of Certification (ABC) examination;
- (6) The appropriate fee for licensure as required by 201 KAR 44:010; and
- (7) Detailed work history, including scope of practice, covering the four (4) year period immediately prior to the date of application.

Section 2. Licensure of a Pedorthist. An applicant for licensure as a pedorthist shall submit:

- (1) A completed "Application for Licensure", Form BPOP1;
- (2) A certified copy of high school diploma or comparable credential;
- (3) Proof of completion of an NCOPE- approved pedorthic education program;
- (4) Proof of passing the American Board of Certification (ABC) exam;
- (5) Proof of a minimum of 1,000 hours of pedorthic patient care, 500 hours shall be completed after the NCOPE- approved education program;
- (6) The appropriate fee for licensure as required by 201 KAR 44:010; and
- (7) A detailed work history, including scope of practice, covering the four (4) year period prior to the date of application.

Section 3. Licensure of an Orthotic Fitter. An applicant for licensure as an orthotic fitter shall submit:

- (1) A completed "Application for Licensure", Form BPOP1;
- (2) A certified copy of high school diploma or comparable credential;
- (3) Proof of completion of an NCOPE- approved orthotic fitter education program;
- (4) Proof of passing the American Board of Certification (ABC) exam;
- (5) Proof of a minimum of 1,000 hours of orthotic fitter patient care, 500 hours shall be completed after the NCOPE approved education program;
- (6) The appropriate fee for licensure as required by 201 KAR 44:010; and
- (7) A detailed work history, including scope of practice, covering the four (4) year period prior to the date of application.

Section 4. Incorporation by Reference. (1) "Application for Licensure", BPOP1, 07/2012, is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m. (39 Ky.R. 353; 950; eff. 12-7-2012.)

201 KAR 44:100. Inactive status.

RELATES TO: KRS 319B.040(6)

STATUTORY AUTHORITY: KRS 319B.040(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.040(6) authorizes the board to promulgate administrative regulations to establish conditions for inactive licensure status. This administrative regulation establishes procedures for inactive status and reactivation.

Section 1. (1) A licensee may apply for inactive status by submitting:

- (a) A completed Application for Inactive License; and
- (b) The fee for inactive licensure.

- (2) A licensee on inactive status shall not engage in the practice of prosthetics, orthotics, or pedorthics.
- (3) The fee for licensure on inactive status shall be fifty (50) dollars per year.
- (4) Continuing education requirements shall be waived for licensees on inactive status during the time they remain inactive.
- (5) If the inactive licensee applies to the board to return to active status, the licensee shall submit proof that he or she has completed six (6) hours of continuing education for the area of discipline in which the licensee is applying within the last twelve (12) month period immediately preceding the date on which the application is submitted.
- (6) The licensee may submit a request to the board to return to active status immediately, with the provision that he shall receive the appropriate number of continuing education hours within six (6) months of the date on which he returns to active status.
- (7) The reactivation fee for changing from inactive status to active status shall be in compliance with 201 KAR 44:010, Section 2(1) through (3).

Section 2. Incorporation by Reference.

- (1) "Application for Inactive License", Form BPOP4, 07/2012, is incorporated by reference.
- (2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 5:00 p.m. (39 Ky.R. 354; 951; eff. 12-7-2012.)

201 KAR 44:110 Licensure by endorsement.

RELATES TO: KRS 319B.130

STATUTORY AUTHORITY: KRS 319B.030, 319B.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.130

authorizes the board to issue a license to a prosthetist, orthotist, pedorthist, or orthotic fitter possessing a license issued by another state. This administrative regulation establishes the requirements for issuance of a license by endorsement.

Section 1. The board shall issue a license by endorsement, without examination, to a prosthetist, orthotist, pedorthist, or orthotic fitter currently licensed by examination by the corresponding authority of another state upon:

- (1) Verification that the applicant meets all current requirements for licensure as established by KRS 319B.030(1) and 201 KAR 44:090;
- (2) Payment of the fee for licensure as established by 201 KAR 44:010; and
- (3) Verification of the applicant's license issued by another state that certifies that the license is:
 - (a) Active;
 - (b) In good standing; and
 - (c) Free of pending complaints.

Section 2. Incorporated by Reference.

- (1) "Application for Licensure by Endorsement", BPOP2, 07/2012, is incorporated by reference.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (39 Ky.R. 356; 951; eff. 12-7-2012.)

201 KAR 44:120. Post residency registration.

RELATES TO: KRS 319B.030(1)(c)

STATUTORY AUTHORITY: KRS 319B.030(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319B.030(1)(c) authorizes the board to establish circumstances and conditions for individuals who have completed the required training and established circumstances by which an individual may continue to practice as a prosthetist or orthotist. This administrative regulation establishes the requirements for registration for post residency practice.

Section 1. Eligibility.

- (1) An orthotic or prosthetic resident, who has successfully completed an NCOPE residency in the appropriate field and prior to completing the American Board for Certification examination, may work in the discipline in which he or she is exam eligible upon application to and approval by the board.
- (2) An applicant shall submit to the board:
 - (a) A completed Post Residency Registration form;
 - (b) Documentation of residency completion;
 - (c) Documentation of application for examination; and
 - (d) A letter from a supervisory licensed practitioner that monitoring of the applicant will continue.
- (3) The exemption shall expire fifteen (15) months from the date of completion of the NCOPE residency.

Section 2. Incorporation by Reference.

- (1) "Post Residency Registration", Form BPOP3, 07/2012, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Prosthetics, Orthotics, and Pedorthics, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (39 Ky.R. 357; 952; eff. 12-7-2012.)